



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

February 21, 2005

RECEIVED  
CITY CLERK  
C&C OF HONOLULU  
FEB 22 8 31 AM '05

To: Public and News Media

From: Councilman Rod Tam *RT*  
City & County of Honolulu

Ho'omalua I Ka'Aina O Nu'uano

Re: Preservation of Historic Hawaiian Lands And  
Sites in Nuuanu Valley

On this day we honor and celebrate our historic democratic form of government through "President's Day". It is symbolic of why this afternoon's demonstration is held by various individual and groups to express the need to preserve Hawaii's historic Hawaiian lands and sites in Nuuanu Valley.

Specifically, this concerns the preservation of King Kamehameha III's Summer Palace known as Kaniakapupu and the land surrounding it. The surrounding lands contain sites of historic significance

## Page 2

and are held by private parties who intend to develop them. Once development occurs these historic sites may be lost forever or access to them permanently denied.

Before us today, are two (2) issues to the  
preservations of the historic lands. The ~~solutions~~ are:  
issues

- Hui Malama has filed a legal case before the Hawaii Supreme Court regarding the subdivision and whether the Midkiff's have satisfied all the conditions imposed by the Land Use Commission and City & County of Honolulu's Unilateral Agreement and Declaration of Conditional Rezoning.
- The City Administration and City Council of the City & County of Honolulu to defer and oppose Resolution 05-19, Approving The Sale Of An Easement Within Nuuanu Pali Drive For A Private Waterline For Fire Protection Purposes before the City Council.

The basis of the above issues are based on the conditions adopted by the State of Hawaii's Land Use Commission and the City & County of Honolulu's Unilateral Agreement and Declaration of Conditional Rezoning (unilateral conditions are enclosed in the attachment). All conditions must be satisfied and cannot be separated, contingent upon one another.

Page 3

Resolution 05-19 must be denied for the following reasons:

- Approval of the easement will send the wrong message to the court that the City Council is validating the subdivision and the Midkiff's have satisfied all the conditions imposed by the Land Use Commission.
- Former Mayor Jeremy Harris's administration circumvented the legal process of approving the sale of the easement within Nuuanu Pali Drive, per the legal counsel of the City Council in the Office of Council Services. Easement approval must be deliberated and granted by the City Council before permitting the installation of a waterline by the Dept. of Planning & Permitting, a City administrative agency.
- Various Land Use Commission and City Unilateral Agreement conditions have been violated. The violated conditions are:
  - The applicant property owners' 1995 archaeological survey and report have serious

Page 4

flaws, according to noted Hawaii archaeologies Dr. C. Kahau Cachola-Abad.

- The applicants represented they would subdivide for family purposes, but instead have placed the property on the commercial market.
- The property owners' application for subdivision did not meet the 2-year requirement after the date of the rezoning ordinance.
- The property owners did not meet City & County of Honolulu's park dedication requirement.

The State of Hawaii's Office of Hawaiian Affairs opposes the adoption of Resolution 05-19 and private purchase of rights to this public land, and Ho'omaluku I Ka'Aina O Nu'uano has sent a letter to Mr. Henry Eng, director of the City & County of Honolulu's Department of Planning & Permitting requesting an investigation of apparent violations of the City's Conditional Agreement for subdivision.

In conclusion, Resolution 05-19 must be rejected by the city administration and the city council.

For further information call Councilman Rod Tam at 216-5454 (cel.) or Michelle Matson at 222-3936 (cel.).

## Attachment

### City & County of Honolulu's Unilateral Declaration of Conditional Rezoning

- The Declarants shall meet the City & County of Honolulu's park dedication requirements in effect on October 26, 1993 or on the date of subdivision approval.
- An archaeological inventory survey must be submitted to the Department of Land & Natural Resources for approval, and then to the Dept. of Planning & Permitting and the City Council.
- Declarants shall comply with the Land Use Commission's decision and order.
- The Declarants shall obtain all other governmental Approvals that may be required by law for the proposed project.
- Declarants shall submit an application for subdivision or building permit approval within 2 years after the effective date of the rezoning ordinance.

Attachment

## Page 2

- In the event of noncompliance with any of the above Conditions, Declarants understand that the Director of the Dept. of Planning & Permitting may initiate action to rezone the Property or take other appropriate action to terminate or stop the project until all conditions are met.